

except islands, lakes and bays and other lands within tide water limits; amending Section 5 of said act, giving preference right to holders in good faith of surveys of land to purchase the same, amending Section 8 of said act, relating to the lease of all unsold public free school lands, and declaring an emergency."

Mr. Sanders moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 25 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote), by the following vote:

Yeas—81.

Mr. Speaker.	Holland.
Adams of Harris.	Howsley.
Adamson.	Hubbard.
Adkins.	Hughes.
Akin.	Johnson
Anderson.	of Dimmit.
Barron.	Jones of Shelby.
Beck.	Jones of Atascosa.
Bond.	Justiss.
Bounds.	Kennedy.
Boyd.	Lee.
Brice.	Lemens.
Burns of Walker.	Lilley.
Burns	Magee.
of McCulloch.	Metcalf.
Carpenter.	Moore.
Caven.	Petsch.
Claunch.	Ratliff.
Coltrin.	Ray.
Cox of Limestone.	Richardson.
Dale.	Rogers.
DeWolfe.	Rountree.
Donnell.	Sanders.
Dowell.	Savage.
Dunlap.	Shelton.
Duvall.	Smith of Bastrop.
Dwyer.	Sparkman.
Elliott.	Stephens.
Engelhard.	Steward.
Farmer.	Terrell of Cherokee.
Farrar.	Turner.
Fisher.	Van Zandt.
Ford.	Vaughan.
Fuchs.	Veatch.
Gilbert.	Wagstaff.
Giles.	Walker.
Goodman.	Warwick.
Greathouse.	Weinert.
Hanson.	West of Coryell.
Herzik.	Wiggs.
Hill.	Wyatt.
Hines.	Young.
Holder.	

Nays—28.

Adams of Jasper.	Laird.
Baker.	Lasseter.
Cox of Lamar.	Leonard.
Forbes.	Lockhart.
Grogan.	Long.
Harrison	McDougald.
of Waller.	McGregor.
Hatchitt.	Mathis.
Hefley.	Morse.
Holloway.	Nicholson.
Hoskins.	Olsen.
Jackson.	Ramsey.
Johnson	Sherrill.
of Dallam.	Stevenson.
Johnson of Morris.	Terrell of Val Verde.

Present—Not Voting.

O'Quinn.

Absent.

Brooks.	Mehl.
Cunningham.	Moffett.
Daniel.	Murphy.
Dodd.	Patterson.
Ferguson.	Pope.
Finn.	Reader.
Graves.	Satterwhite.
Hardy.	Scott.
McCombs.	Smith of Wood.
Martin.	West of Cameron.

Absent—Excused.

Albritton.	Kayton.
Alsup.	Keller.
Bedford.	McGill.
Bradley.	Munson.
Bryant.	Strong.
Coombes.	Sullivant.
Davis.	Tarwater.
Harman.	Towery.
Harrison	Westbrook.
of El Paso.	

ADJOURNMENT.

On motion of Mr. Anderson, the House, at 6:03 o'clock p. m., adjourned until 6:04 o'clock p. m., Thursday, October 1, 1931.

FIFTEENTH DAY.

(Thursday, October 1, 1931.)

The House met at 6:04 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called and developed the fact that there was not a quorum present.

Mr. Sanders moved a call of the House for the purpose of securing a

quorum, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall, and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Greathouse, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

The roll was again called, and the following members were present:

Mr. Speaker.	Hill.
Adams of Harris.	Hines.
Adams of Jasper.	Holder.
Adamson.	Holland.
Adkins.	Holloway.
Akin.	Hoskins.
Anderson.	Howsley.
Baker.	Hubbard.
Barron.	Hughes.
Beck.	Jackson.
Bond.	Johnson
Bounds.	of Dallam.
Boyd.	Johnson
Brice.	of Dimmit.
Burns of Walker.	Johnson of Morris.
Burns	Jones of Shelby.
of McCulloch.	Jones of Atascosa.
Carpenter.	Justiss.
Claunch.	Kennedy.
Coltrin.	Laird.
Cox of Lamar.	Lee.
Cox of Limestone.	Lemens.
Dale.	Leonard.
DeWolfe.	Lilley.
Donnell.	Lockhart.
Dowell.	Long.
Dunlap.	McDougald.
Duvall.	McGregor.
Dwyer.	Magee.
Elliott.	Mathis.
Engelhard.	Metcalfe.
Farmer.	Moore.
Farrar.	Morse.
Fisher.	Nicholson.
Forbes.	Olsen.
Ford.	O'Quinn.
Fuchs.	Petsch.
Gilbert.	Ratliff.
Giles.	Ray.
Goodman.	Richardson.
Greathouse.	Rogers.
Grogan.	Rountree.
Hanson.	Sanders.
Harrison	Savage.
of Waller.	Shelton.
Hatchitt.	Sherrill.
Hefley.	Smith of Bastrop.
Herzik.	Sparkman.

Stephens.	Vaughan.
Stevenson.	Veatch.
Steward.	Wagstaff.
Terrell	Walker.
of Cherokee.	Weinert.
Terrell	West of Coryell.
of Val Verde.	Wiggs.
Turner.	Wyatt.
Van Zandt.	Young.

Absent.

Alsup.	McGill.
Brooks.	Martin.
Caven.	Mehl.
Coombes.	Moffett.
Cunningham.	Munson.
Daniel.	Murphy.
Davis.	Pope.
Dodd.	Ramsey.
Ferguson.	Reader.
Finn.	Satterwhite.
Graves.	Scott.
Hardy.	Smith of Wood.
Harrison	Strong.
of El Paso.	Sullivant.
Kayton.	Tarwater.
Keller.	Towery.
Lasseter.	Warwick.
McCombs.	West of Cameron.

Absent—Excused.

Albritton.	Harman.
Bedford.	Patterson.
Bradley.	Westbrook.
Bryant.	

A quorum was announced present.

Prayer was offered by the Rev. John W. Holt, Chaplain.

On motion of Mr. Sanders, the call of the House was extended pending consideration of Senate bill No. 25.

HOUSE BILL ON FIRST READING.

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. West of Cameron:

H. B. No. 97, A bill to be entitled "An Act waiving the right of the State of Texas to enter upon, for the purpose of development of mines, minerals and mineral rights, including oil and gas thereunder, all lands heretofore granted, or that may hereafter be granted, under Article 8225 of the Revised Statutes, to any navigation district, and by such district conveyed, or that may hereafter be conveyed, to the United States of

America for navigation purposes, so long as such lands shall be used by the United States of America, or such navigation district, for navigation purposes, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

RELATIVE TO REGULAR ORDER OF BUSINESS.

Mr. Hubbard moved that the House dispense with the regular order of business at this time.

The motion prevailed.

SENATE BILL NO. 25 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 25, A bill to be entitled "An Act to amend Section 1 of Chapter 271, House bill No. 358, General Laws of the Regular Session of the Forty-second Legislature, approved May 29, 1931, providing for the sale of lands belonging to the Public Free School Fund of the State of Texas, except islands, lakes and bays and other lands within tide water limits; amending Section 5 of said act, giving preference right to holders in good faith of surveys of land to purchase the same, amending Section 8 of said act, relating to the lease of all unsold public free school lands, and declaring an emergency."

The bill was read second time.

By unanimous consent of the House, all the amendments which were adopted by the Committee of the Whole House were adopted by the House.

Mr. Burns of Walker offered the following amendment to the bill:

Amend Senate bill No. 25, after Section 8-b, by adding a new section to be known as Section 8-c, to read as follows:

"Sec. 8-c. If the owner of the rights acquired under this act shall fail or refuse to make the payment of any sum due thereon, either as rental or royalty on the production within thirty days after same shall become due, or if such owner or his authorized agent should make any false return or false report concerning production, royalty, or drilling, or if such owner shall fail or refuse

to drill any offset well or wells in good faith, as required by his lease, or if such owner or his agent should refuse to the proper authority access to the records or other data pertaining to the operations under this act, or if such owner, or his authorized agent, should fail or refuse to give correct information to the proper authorities, or fail or refuse to furnish the log of any well within thirty days after production is found in paying quantities, or if any of the material terms, conditions, and considerations of the lease should be violated, such lease shall be subject to forfeiture by the board by an order after hearing entered upon the minutes of the board reciting the facts constituting the default, and declaring the forfeiture. The board may, if it so desires, have suit instituted for forfeiture through the Attorney General of the State. Upon proper showing by the forfeiting owner, within thirty days after the declaration of forfeitures, the lease may, at the discretion of the board and upon such terms as it may prescribe, be reinstated. In case of violation by the owner of the lease contract, the remedy of the State by forfeiture shall not be the exclusive remedy, but suit for damages or specific performance, or both, may be instituted. The State shall have a first lien upon all oil and/or gas produced upon the leased area and upon all rigs, tanks, pipe line, telephone line, and machinery and appliances used in the production and handling of oil and gas produced thereon, to secure any amount due from the owner of said lease."

Mr. Beck moved to table the amendment, and the motion to table was lost.

Question then recurring on the amendment, it was adopted.

Mr. Hubbard moved the previous question on the amendment on the Speaker's stand and the bill, and the main question was ordered.

Mr. McDougald offered the following amendment to the bill:

Amend Senate bill No. 25 by adding thereto another section to be known as Section 4, reading as follows:

"Sec. 4. In the event the State of Texas by and through the Board of Mineral Development, named in this act, drills for oil or gas in the river

beds or channels of this State, the said State of Texas shall in such event be liable to all persons for damages either to person or property occasioned by the drilling or operation of such wells drilled and operated under the authority and supervision of said board; and any person claiming damages either to his person or property occasioned by the drilling or operation of wells drilled under the authority of said Board of Mineral Development, is hereby authorized to institute suit in any court of competent jurisdiction in this State in Travis county to recover against the State of Texas the damages claimed by such person or persons."

The amendment was lost.

Mr. Nicholson offered the following amendment to the bill:

Amend Senate bill No. 25, Section 8-a, by inserting the following after the word "interests," the last word of the section: "The provisions of this section shall be construed to include the Sabine and Guadalupe Rivers and tributaries, only."

The amendment was lost.

Mr. Terrell of Val Verde offered the following amendment to the bill:

Amend Senate bill No. 25, by adding at the end of line 7 on page 3: "In the event the State drills any wells, that compensation insurance be carried on all employes doing hazardous work as provided under the Workmen's Compensation Act of this State."

TERRELL of Val Verde,
JOHNSON of Dimmit.

The amendment was adopted.

Mr. Adams of Jasper offered the following amendment to the bill:

Amend Senate bill No. 25, by adding at the end of Section 2, the following: "Said board shall not lease tracts covering more than 60 acres to any individual, person, or corporation, and provided further, that no person, firm, individual or corporation shall ever acquire a larger interest than 60 acres, or acquire an interest of any kind in more than one tract, and if they should do so, it shall be void."

LONG,
ADAMS of Jasper.

Mr. Petsch offered the following substitute for the amendment:

Amend Senate bill No. 25, by adding to the end of Section 2, the following: "Said board shall advertise said such leases in tracts not to exceed 40 acres, and each individual tract shall be sold to the highest bidder complying with the terms of the bid."

Question first recurring on the substitute amendment, it was lost.

Question then recurring on the amendment by Mr. Adams of Jasper, it was lost.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

Senate bill No. 25 was then passed to third reading by the following vote:

Yeas—82.

Mr. Speaker.	Hughes.
Adams of Harris.	Jackson.
Adams of Jasper.	Johnson
Adamson.	of Dallam.
Adkins.	Johnson
Akin.	of Dimmit.
Anderson.	Johnson of Morris.
Barron.	Jones of Shelby.
Beck.	Jones of Atascosa.
Bond.	Justiss.
Bounds.	Kennedy.
Boyd.	Laird.
Brice.	Lee.
Burns of Walker.	Lemens.
Burns	Leonard.
of McCulloch.	Lilley.
Carpenter.	Lockhart.
Claunch.	Mathis.
Coltrin.	Morse.
Cox of Lamar.	Ratliff.
Cox of Limestone.	Ray.
Dale.	Richardson.
DeWolfe.	Rogers.
Donnell.	Rountree.
Dowell.	Sanders.
Dunlap.	Savage.
Duval.	Shelton.
Dwyer.	Smith of Bastrop.
Elliott.	Sparkman.
Farmer.	Stephens.
Farrar.	Steward.
Fisher.	Terrell
Forbes.	of Cherokee.
Ford.	Turner.
Fuchs.	Van Zandt.
Giles.	Vaughan.
Goodman.	Veatch.
Hanson.	Walker.
Herzik.	Weinert.
Hill.	West of Coryell.
Hines.	Wiggs.
Holder.	Wyatt.
Holland.	Young.
Howsley.	

Nays—19.

Baker.	McGregor.
Engelhard.	Magee.
Gilbert.	Metcalf.
Grogan.	Moore.
Hatchitt.	Nicholson.
Hefley.	Olsen.
Holloway.	O'Quinn.
Hoskins.	Terrell
Long.	of Val Verde.
McDougald.	Wagstaff.

Absent.

Alsup.	McGill.
Brooks.	Martin.
Caven.	Mehl.
Coombes.	Moffett.
Cunningham.	Munson.
Daniel.	Murphy.
Davis.	Petsch.
Dodd.	Pope.
Ferguson.	Ramsey.
Finn.	Reader.
Graves.	Satterwhite.
Greathouse.	Scott.
Hardy.	Sherrill.
Harrison	Smith of Wood.
of El Paso.	Stevenson.
Harrison	Strong.
of Waller.	Sullivant.
Hubbard.	Tarwater.
Kayton.	Towery.
Keller.	Warwick.
Lasseter.	West of Cameron.
McCombs.	

Absent—Excused.

Albritton.	Harman.
Bedford.	Patterson.
Bradley.	Westbrook.
Bryant.	

SENATE BILL NO. 25 ON THIRD READING.

Mr. Sanders moved that the constitutional rule requiring bills to be read on three several days be suspended, and that Senate bill No. 25 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—92.

Mr. Speaker.	Bounds.
Adams of Harris.	Boyd.
Adams of Jasper.	Brice.
Adamson.	Burns
Adkins.	of McCulloch.
Akin.	Carpenter.
Anderson.	Claunch.
Barron.	Coltrin.
Beck.	Cox of Lamar.
Bond.	Cox of Limestone.

Dale.	Lee.
DeWolfe.	Lemens.
Donnell.	Leonard.
Dowell.	Lilley.
Dunlap.	Lockhart.
Dwyer.	McGregor.
Elliott.	Magee.
Engelhard.	Mathis.
Farmer.	Metcalf.
Farrar.	Moore.
Fisher.	Morse.
Forbes.	Petsch.
Ford.	Ratliff.
Fuchs.	Ray.
Gilbert.	Richardson.
Giles.	Rogers.
Goodman.	Rountree.
Grogan.	Sanders.
Hanson.	Savage.
Harrison	Shelton.
of Waller.	Smith of Bastrop.
Hefley.	Sparkman.
Herzik.	Stephens.
Hill.	Steward.
Hines.	Terrell
Holland.	of Cherokee.
Hoskins.	Terrell
Howsley.	of Val Verde.
Hubbard.	Turner.
Hughes.	Van Zandt.
Jackson.	Vaughan.
Johnson	Veatch.
of Dallam.	Wagstaff.
Johnson	Walker.
of Dimmit.	Weinert.
Jones of Shelby.	West of Coryell.
Jones of Atascosa.	Wiggs.
Justiss.	Wyatt.
Kennedy.	Young.

Nays—10.

Baker.	McDougald.
Hatchitt.	Nicholson.
Holloway.	Olsen.
Johnson of Morris.	O'Quinn.
Laird.	Sherrill.

Absent.

Alsup.	Holder.
Brooks.	Kayton.
Burns of Walker.	Keller.
Caven.	Lasseter.
Coombes.	Long.
Cunningham.	McCombs.
Daniel.	McGill.
Davis.	Martin.
Dodd.	Mehl.
Duvall.	Moffett.
Ferguson.	Munson.
Finn.	Murphy.
Graves.	Pope.
Greathouse.	Ramsey.
Hardy.	Reader.
Harrison	Satterwhite.
of El Paso.	Scott.

Smith of Wood.	Tarwater.
Stevenson.	Towery.
Strong.	Warwick.
Sullivant.	West of Cameron.

Absent—Excused.

Albritton.	Harman.
Bedford.	Patterson.
Bradley.	Westbrook.
Bryant.	

The Speaker then laid Senate bill No. 25 before the House on its third reading and final passage.

The bill was read third time.

Mr. Greathouse offered the following amendment to the bill:

Amend Senate bill No. 25, at proper place, so as to read as follows: "No lease or contract of development shall be awarded to any person, firm, or corporation owning or interested in any land adjoining or adjacent to the land to be leased or conveyed for development by the State."

Mr. Morse moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question recurring on the amendment by Mr. Greathouse, it was lost.

Senate bill No. 25 was then passed by the following vote:

Yeas—86.

Mr. Speaker.	Farmer.
Adams of Harris.	Farrar.
Adamson.	Fisher.
Adkins.	Forbes.
Akin.	Ford.
Anderson.	Fuchs.
Barron.	Gilbert.
Beck.	Giles.
Bond.	Goodman.
Bounds.	Greathouse.
Boyd.	Hanson.
Brice.	Harrison
Burns of Walker.	of Waller.
Burns	Herzik.
of McCulloch.	Hill.
Carpenter.	Hines.
Claunch.	Holder.
Coltrin.	Holland.
Cox of Lamar.	Howsley.
Cox of Limestone.	Hubbard.
Dale.	Hughes.
DeWolfe.	Jackson.
Donnell.	Johnson
Dowell.	of Dallam.
Dunlap.	Johnson
Duvall.	of Dimmit.
Dwyer.	Jones of Shelby.
Elliott.	Jones of Atascosa.

Justiss.	Shelton.
Kennedy.	Smith of Bastrop.
Laird.	Sparkman.
Lee.	Stephens.
Lemens.	Steward.
Leonard.	Terrell
Lilley.	of Cherokee.
Lockhart.	Turner.
Mathis.	Van Zandt.
Moore.	Vaughan.
Petsch.	Veatch.
Ratliff.	Walker.
Ray.	Weinert.
Richardson.	West of Coryell.
Rogers.	Wiggs.
Rountree.	Wyatt.
Sanders.	Young.
Savage.	

Nays—22.

Adams of Jasper.	Magee.
Baker.	Metcalfe.
Engelhard.	Morse.
Grogan.	Nicholson.
Hatchitt.	Olsen.
Hefley.	O'Quinn.
Holloway.	Sherrill.
Hoskins.	Stevenson.
Johnson of Morris.	Terrell
Long.	of Val Verde.
McDougald.	Wagstaff.
McGregor.	

Absent.

Alsup.	McGill.
Brooks.	Martin.
Caven.	Mehl.
Coombes.	Moffett.
Cunningham.	Munson.
Daniel.	Murphy.
Davis.	Pope.
Dodd.	Ramsey.
Ferguson.	Reader.
Finn.	Satterwhite.
Graves.	Scott.
Hardy.	Smith of Wood.
Harrison	Strong.
of El Paso.	Sullivant.
Kayton.	Tarwater.
Keller.	Towery.
Lasseter.	Warwick.
McCombs.	West of Cameron.

Absent—Excused.

Albritton.	Harman.
Bedford.	Patterson.
Bradley.	Westbrook.
Bryant.	

Reason for Vote.

I vote against this bill because I do not believe the city of Longview is sufficiently protected from the pollution of the water used by the citizens of this city from the Sabine

River. I do not believe the health of men, women, and children should be sacrificed for financial gain.

Being a Representative in the Legislature from the district in which the city of Longview is situated, I believe I should cast my vote in the interest of citizens of this city.

MAGEE.

SENATE BILL ON FIRST READING.

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate bill No. 51, to the Committee on Congressional Districts.

RECESS.

On motion of Mr. Anderson, the House, at 6:50 o'clock p. m., took recess to 9 o'clock a. m., tomorrow.

APPENDIX.

REPORT OF THE COMMITTEE OF THE WHOLE HOUSE.

The Committee of the Whole House filed a favorable report on Senate bill No. 25.

FIFTEENTH DAY.

(Continued.)

(Friday, October 2, 1931.)

The House met at 9 o'clock a. m., and was called to order by Speaker Minor.

SENATE BILL NO. 35 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 35, A bill to be entitled "An Act creating the One Hundred and Twenty-seventh Judicial District of Texas and establishing a new district court within the limits of Bexar county, additional to the district courts now organized and operating in said county; defining the jurisdiction thereof; providing for the appointment of the judge thereof by

the Governor until the next general election; providing for the appointment of an official shorthand reporter to serve said court; providing that the sheriff and clerk of the district courts of Bexar county shall act in their respective capacities as sheriff and clerk of the district court herein created; fixing the terms of said court; providing that the district attorney of the Thirty-seventh Judicial District shall also represent the State in all criminal and civil matters in said One Hundred and Twenty-seventh Judicial District Court; providing for the transfer of cases; providing that One Hundred and Twenty-seventh Judicial District Court shall have the right to empanel a grand jury and providing to which cases the said One Hundred and Twenty-seventh Judicial District Court shall give preference; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read third time.

Mr. Howsley raised a point of order on further consideration of the bill, on the ground that the subject matter contained in the bill has not been submitted by the Governor.

The Speaker declined to rule on the point of order, stating that he would submit the matter to the House for its decision.

The House sustained the point of order.

AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 59.

Mr. West of Cameron offered the following resolution:

H. C. R. No. 38, Authorizing certain correction in House bill No. 59.

Whereas, House bill No. 59 has passed the House and the Senate and is now ready to go to the Governor; and

Whereas, The emergency clause is in the body of the bill but not in the caption of the bill; now therefore, be it

Resolved by the House, the Senate concurring, That the Enrolling Clerk of the House be instructed to add "and declaring an emergency" to the caption of House bill No. 59.

The resolution was read second time, and was adopted.